

AN ORDINANCE **97638**

TERMINATING THE EXISTING LICENSE AGREEMENT APPROVED BY ORDINANCE NO. 60738 ON MAY 23, 1985 AND ORDINANCE NO. 72070, DATED AUGUST 9, 1990; AND GRANTING A LICENSE AGREEMENT TO ALAMO HOTELS, INC. FOR THE CONTINUED USE OF AVENUE E AND EAST HOUSTON STREET PUBLIC RIGHTS OF WAY FOR AN EXISTING BASEMENT AT THE ABUTTING EMILY MORGAN HOTEL LOCATED AT 705 EAST HOUSTON STREET, IN N.C.B. 424, FOR A TEN (10) YEAR TERM AND THE TOTAL CONSIDERATION OF \$5,000.00.

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WHEREAS, the City approved two license agreement with Emily Morgan Properties, Incorporated pursuant to Ordinance No. 60738 on May 23, 1985 for the encroachment of canopies over the public sidewalks and the basement under the public sidewalk adjacent to Lot 2, Block 22, New City Block 424 and Ordinance No. 72070 passed on August 9, 1990 to encroach on City right-of-way, being Avenue E and East Houston, for the purpose of installing five (5) awning; and

WHEREAS, Alamo Hotels, Inc. acquired their interest in the hotel from Emily Morgan Properties, Incorporated on July 14, 1992 and the rights granted by the previous licenses are not assignable; and

WHEREAS, it is necessary for the City to terminate the two existing license agreement and authorize execution of a new ten-year License Agreement with Alamo Hotels, Inc. for the continued use of Avenue E and East Houston Street Public Rights of Way for an existing basement at the abutting Emily Morgan Hotel located at 705 E. Houston Street for a total license fee of \$5,000.00; and

WHEREAS, this action is consistent with the City of San Antonio Code and Ordinances which require City Council approval for any private use of property owned or controlled by the City; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The two license agreement with the Emily Morgan Properties, Incorporated, approved pursuant to Ordinance No. 60738 on May 23, 1985 for the encroachment of canopies over the public sidewalks and the basement under the public sidewalk adjacent to Lot 2, Block 22, New City Block 424 and Ordinance No. 72070 passed on August 9, 1990 to encroach on city right-of-way, being Avenue E and East Houston Street for the purpose of installing five (5) awning are hereby terminated.

SECTION 2. A ten-year License Agreement is hereby authorized with Alamo Hotels, Inc., as Licensee, for the continued use of Avenue E and East Houston Street Public Rights of Way for an existing basement at the abutting Emiliy Morgan Hotel located at 705 E. Houston Street in N.C.B. 424 for a total license fee of \$5,000.00.

SECTION 3. The City Manager, or her designee, is hereby authorized to execute said License Agreement, a copy of which, executed on behalf of Alamo Hotels, Inc., is affixed hereto as **Attachment I** and incorporated herein verbatim for all purposes.

SECTION 4. The proceeds of the agreement shall be deposited in Fund No. 1 1-0000 entitled "General Fund," Index Code 012732 entitled "License Agreement - Use of ROW."

SECTION 5. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific Index Codes and Fund Number as necessary to carry out the purpose of this Ordinance.

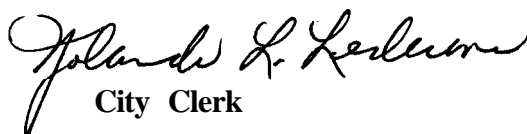
SECTION 6. This ordinance shall take effect on the 1 st day of June 2003.


PASSED AND APPROVED this 22nd day of May, 2003.



M A Y 0 R

EDWARD D. GARZA

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney